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Attorneys for Plaintiff
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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

OSCAR ORELLANA GUEVARA,

Defendant.

CASE NO. 1:21-cr-00051-JCC-BAM

STIPULATION AND ORDER TO RESET STATUS
CONFERENCE

THE PARTIES HEREBY STIPULATE, through their respective counsel, Assistant United States Attorney Robert Veneman-Hughes, on behalf of the government, and Michael Berdinella and Richard Tamor, Esqs., on behalf of defendant Oscar Orellana Guevara (“Guevara”), move to continue the status conference set for January 22, 2025 to February 26, 2025 at 1 PM, and stipulate as follows:

1. This case is connected to a larger case, U.S. v. Leiva-Leiva et al, 22-cr-00232. The Leiva case has voluminous discovery which is relevant to Guevera’s trial. A notice of related cases has been filed, and the government has previously informed defense and the court that it anticipates this case being joined to the Leiva-Leiva case by way of superseding indictment.
2. Substantial additional discovery has been provided connected to the Leiva-Leiva case as well as the Orellana case, including the contents of Orellana’s cell phone, which were encrypted until the government was able to recently access the file.

- 1 3. This case had previously been set at the same time and date as the Leiva-Leiva case, on February
2 19, 2025. Time had been excluded until that date.
- 3 4. Subsequently, this case and the Leiva-Leiva case were moved to January 22, 2025, as the case
4 was reassigned to a new judge.
- 5 5. That date is a conflict for several counsel, and so by stipulation the Leiva-Leiva case is being
6 continued to February 26, 2025.
- 7 6. By this stipulation, the defendant moves to continue the status conference to February 26, 2025,
8 and exclude time until that date.
- 9 7. This is the same date as the Leiva-Leiva related case is set and it would be in the interest of court
10 efficiency for these matters to be set on the same date.
- 11 8. The government does not object to this continuance.
- 12 9. The parties agree and stipulate, and request that the Court find the following:
13
14 i) The government has represented that the discovery associated with this case includes
15 investigative reports, and related documents, photographs, etc., in electronic form. All of this
16 discovery has been either produced directly to counsel and/or made available for inspection
17 and copying.
18
19 ii) Defense counsel requires additional time to review discovery and investigate.
20
21 iii) The government does not object to the continuance.
22
23 iv) Based on the above-stated findings, the ends of justice served by continuing the case as
24 requested outweigh the interest of the public and the defendant in a trial within the original
25 date prescribed by the Speedy Trial Act.
26
27 v) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq.,
28 within which trial must commence, the time period of January 22, 2025, to February 26,
2025, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A) and 18 U.S.C. §
3161(h)(7)(B)(iv) because it results from a continuance granted by the Court at defendant's

request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

10. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

Dated: January 2, 2025

PHILLIP A. TALBERT
United States Attorney

/s/ ROBERT L. VENEMAN-HUGHES
ROBERT L. VENEMAN-HUGHES
Assistant United States Attorney

Dated: January 2, 2025

/s/ MICHAEL BERDINELLA
/s/ RICHARD TAMOR
MICHAEL BERDINELLA
RICHARD TAMOR
Counsel for Defendant
OSCAR ORELLANA GUEVARA

ORDER

IT IS SO ORDERED that the status conference is continued from January 22, 2025, to **February 26, 2025, at 1:00 p.m. in Courtroom 8 before Magistrate Judge Barbara A. McAuliffe**. Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A) and 18 U.S.C. § 3161(h)(7)(B)(iv).

IT IS SO ORDERED.

Dated: January 2, 2025

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE